

The present invention provides a system and method for managing a plurality of local lists of a single user utilizing a compact user-carried smart card including a microprocessor and a memory storing a master list configured for synchronizing with each local list. (Specification, page 2, lines 5-8.) Claim 1 recites a system for managing a plurality of local lists of a single user. The plurality of local lists is located at a plurality of remote appliances. Each appliance holds a corresponding local list and includes a card reader. The system comprises a compact user-carried smart card including a microprocessor and a memory storing a master list. The master list is configured for synchronizing with each local list. The microprocessor is programmed to synchronize the master list with a local list on a remote appliance when the smart card is engaged with the remote appliance card reader to allow the user to carry the smart card with the master list stored in the smart card memory to various remote appliances, and synchronize the master list with the various local lists of the appliances. Advantageously, the smart card acts as a token for holding the master list for various local lists kept on various devices.

Specifically, claim 1 recites, in combination with other features, that the system comprises "a compact user-carried smart card" The smart card is further limited with the recitation of various structures and functions associated with the smart card. However, it is critical that the main element of the system is, as recited by claim 1, "a compact user-carried smart card." A smart card is a specific structure having a specific meaning to one of ordinary skill in the art. More specifically, a smart card has a physical form factor of a card (for example, the same form factor as a debit card or credit card), and includes a microprocessor and a memory. In accordance with the present invention as recited by claim 1, a smart card includes the normal structure of a smart card, that is, a card form factor with a microprocessor and a memory as understood by one of ordinary skill in the art, and further has several other limiting features as defined by claim 1.

The Examiner has rejected claim 1 as being unpatentable over Weiser in view of Teicher. Weiser does describe a personal storage device for application and data transfer. However, in Weiser, the personal storage device is exemplified by personal storage device 30

in Figure 1. Device 30 is not a smart card. Device 30 is a personal storage device, but there is no suggestion that the device may take the form of a smart card, and there is no illustration of any device having the physical form factor of a smart card. As such, Weiser cannot anticipate claim 1 because the personal storage device of Weiser does not include the claimed feature of a compact user-carried smart card.

The Examiner has acknowledged that Weiser fails to anticipate claim 1, and relies on the combination of Weiser in view of Teicher as suggesting the invention. The Examiner states that it would have been obvious to combine the electronic wallet feature of Teicher with the teachings of Weiser to achieve the claimed invention. Applicant disagrees.

There is no suggestion that a smart card can be used together with the embodiments of the Weiser invention, let alone any teaching to modify Weiser to achieve the invention recited by claim 1. To the contrary, the background art of Weiser at column 1, line 61 through column 2, line 2, teaches away from the smart card.

In light of the explicit teaching away from the smart card in Weiser, there can be no motivation to modify Weiser in view of Teicher to achieve the claimed invention. In addition, with regard to Teicher, Teicher relates to automatic retail systems incorporating card payment, and does mention a smart card as a secure payment card on which machine-readable information can be accessed only through authorized protocols. However, Teicher does not suggest the use of the smart card in a personal storage device for application and data transfer. That is, Weiser specifically teaches away from using a smart card in a personal storage device for application and data transfer, and Teicher fails to make any suggestion of using the smart card in a personal storage device for application and data transfer, let alone make such a strong suggestion to overcome the teaching away present in Weiser itself.

In summary, there is no suggestion to combine Weiser and Teicher to achieve the specific combination recited by claim 1 and Applicant respectfully requests that the Examiner withdraw the rejection.

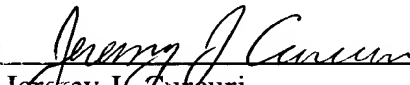
Claim 11 is an independent claim and is believed to be patentable for similar reasons as given above with respect to claim 1. Claim 22 is an independent claim and is also believed to be patentable for similar reasons as given above with respect to claim 1. The remaining claims are dependent claims and are believed to be patentable for their dependency.

Applicant respectfully requests that the Examiner withdraw the rejections and allow the pending claims.

Respectfully submitted,

YVONNE NG

By


Jeremy J. Cuccuri
Reg. No. 42,454
Attorney for Applicant

Date: January 7, 2003

BROOKS & KUSHMAN P.C.
1000 Town Center, 22nd Floor
Southfield, MI 48075
Phone: 248-358-4400
Fax: 248-358-3351